

Case No. 23-55714

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CHAYA LOFFMAN, ET AL.,

Plaintiffs - Appellants,

v.

CALIFORNIA DEPARTMENT OF EDUCATION, ET AL.,

Defendants - Appellees.

**DECLARATION OF SUE ANN SALMON EVANS IN SUPPORT OF
APPELLEES/DEFENDANTS LOS ANGELES UNIFIED SCHOOL
DISTRICT AND ANTHONY AGUILAR'S
MOTION FOR EXTENSION OF TIME**

Appeal from a Decision of the United States District Court for the Central District
of California, Case No: 2:23-cv-01832-JLS-MRW
Honorable Josephine L. Staton, United States District Judge

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I, Sue Ann Salmon Evans, counsel for the Defendants-Appellees Los Angeles Unified School District and Anthony Aguilar (collectively, the “District-Appellees”), hereby declare as follows:

1. I am counsel for Districts-Appellees in the above-captioned matter. This Declaration is being submitted in support of the District-Appellees’ motion for an extension of time to file.
2. Pursuant to this Court’s August 16, 2023 Order (Dkt. 2), Appellants’ Opening Brief was originally due on September 11, 2023. On August 22, 2023, Appellants moved for a 30-day extension of time to file their Opening Brief. (Dkt. 9) On behalf of the District-Appellees, my co-counsel consented to the requested relief, and the motion was granted on August 29, 2023, which made the Opening Brief due by October 1, 2023. On September 26, 2023, Appellants moved for an additional 14-day extension of time to file their Opening Brief. (Dkt. 11.) On behalf of the District-Appellees, my co-counsel consented to the requested relief, and the motion was granted on October 10, 2023, which made the Opening Brief due October 25, 2023 and the District-Appellees’ Answering Brief due November 22, 2023. (Dkt. 12.)

3. Appellants filed their Opening Brief on October 25, 2023. (Dkt. 13.)

The Opening Brief is 62 pages, 13,981 words, and its Statement of Issues identifies 6 issues. (*Id.*)

4. On November 1, 2023, nine (9) separate amicus briefs were filed in support of Appellants. (Dkts. 20, 21, 22, 23, 24, 26, 34, 35, 36.)
5. The District-Appellees are requesting an extension of time to file their Answering Brief from the initial due date of November 22, 2023 (the day before Thanksgiving) until Monday, January 8, 2024 (47 days from the original/current due date). This is the District-Appellees' first request for an extension of time in this appeal.
6. I represented the District-Appellees throughout the district court proceedings below, and my responsibility for representing them continues in this appeal. In addition, I am responsible for a number of preexisting litigation deadlines in other cases in the coming weeks, including:

- a. A motion hearing on November 20, 2023, in *JOHN ROE 1, et al, v. MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT, et al, Case No. 22CV02834 (Santa Cruz Superior Court)*

b. A dispositive hearing on November 28, in John TS Doe v. Doe 1 School District, *et al.* Case No. CIV 2203858; Marin Superior Court

7. Despite the continued diligence of District-Appellees and myself in connection with this matter, there is substantial need for the requested extension due to the Opening Brief's size and scope, the number of amicus briefs that been filed, and my preexisting litigation deadlines, including those referenced above.
8. I have confirmed that all parties consent to the requested extension.
9. The District-Appellees have exercised diligence and will file their Answering Brief within the requested timeframe.
10. No prejudice to any party will result from the granting of this motion.
11. The court reporter is not in default on any designated transcripts.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 3rd day of November, 2023, in Los Angeles County, California.

/s/ Sue Ann Salmon Evans
Sue Ann Salmon Evans